

# ARKANSAS SUPREME COURT

No. CR 98-1276

NOT DESIGNATED FOR PUBLICATION

Opinion Delivered November 2, 2006

BRIAN KEITH BANGS  
Petitioner

*PRO SE* MOTION FOR PHOTOCOPY  
OF TRANSCRIPT AT PUBLIC  
EXPENSE [CIRCUIT COURT OF  
STONE COUNTY, CR 96-101]

v.

STATE OF ARKANSAS  
Respondent

MOTION DENIED.

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## PER CURIAM

In 1998, petitioner Brian Keith Bangs was found guilty of rape, felony kidnapping, first-degree battery, felony theft of property, and two counts of capital murder. He was sentenced to an aggregate term of life imprisonment. We affirmed. *Bangs v. State*, 338 Ark. 515, 998 S.W.2d 738 (1999).

Petitioner, who contends that he is indigent, now seeks at public expense a copy of the transcript lodged here on direct appeal from the judgment. As grounds for the request, petitioner asserts that the evidence was insufficient to sustain the convictions and that the transcript is needed for him to prepare a petition for writ of *habeas corpus* claiming that he is actually innocent.

The motion is denied. A petitioner is not entitled to a free copy of material on file with this court unless he or she demonstrates some compelling need for specific documentary evidence to support an allegation contained in a petition for postconviction relief. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985). Indigency alone does not entitle a petitioner to free photocopying.

*Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980).

Petitioner here has not shown that there is any specific allegation that cannot be raised in a petition for writ of *habeas corpus* without his having a copy of the transcript. As a result, he has failed to demonstrate that a copy of the transcript is necessary to prepare the petition.

It should be noted that when an appeal has been lodged in this court, the appeal transcript remains permanently on file with the clerk. Persons may review a transcript in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996).

Motion denied.